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E-FILED 4/5/07

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Attorneys for Defendant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CYNTHIA MENDEZ,

Plaintiff,

v.

MICHAEL ASTRUE¹,
Acting Commissioner of
Social Security,

Defendant.

CIVIL NO. C-04-01663 RS

STIPULATION AND ~~PROPOSED~~ ORDER
FOR ENTRY OF JUDGMENT

By Order filed on June 28, 2004, 2004, the Court remanded the above-captioned case before answer under sentence six of 42 U.S.C. § 405(g). On remand, Plaintiff received an administrative law judge (ALJ) decision dated June 28, 2006 (See attached Notice of Decision).

WHEREFORE the parties to this action, through their respective undersigned attorneys, with the approval of the Court, hereby stipulate that the Court shall direct the Clerk to enter a final judgment, thereby affirming the Commissioner's final decision on remand.

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On February 12, 2007, Michael J. Astrue became the Commissioner of Social Security and should, therefore, be substituted for Commissioner Jo Anne B. Barnhart as Defendant in this action. 42 U.S.C. § 405(g); Fed. R. Civ. P. 25(d)(1).

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3 Dated: March 28, 2007

By: /s/ harvey sackett
(As authorized via facsimile on March 28, 2007)

4 HARVEY SACKETT
Attorney at Law

5 Attorney for Plaintiff

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7 SCOTT N. SCHOOLS
United States Attorney
8 LUCILLE GONZALES MEIS
Regional Chief Counsel

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10 Dated: March 26, 2007

By: /s/ geraldyn a. gulseth
GERALYN A. GULSETH
Special Assistant United States Attorney

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12 Attorneys for Defendant

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14 PURSUANT TO STIPULATION, IT IS SO ORDERED:

15 Dated: April 5, 2007

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RICHARD SEEBORG
United States Magistrate Judge